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March 10, 2021

Honorable Analisa Torres
United States District Judge
for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: U.S. v. Haroon Aswat,
04 Cr. 356 (AT)**

Dear Judge Torres:

On behalf of Haroon Aswat, we filed an urgent Motion for Compassionate Release dated February 26, 2021, and the Court is presently awaiting the Government's response. In the meantime, however, we are writing to notify the Court of an important update in Mr. Aswat's housing location. Without notice, Mr. Aswat has suddenly been removed from the Bureau of Prison's medical facility at FMC Devens in Massachusetts, and transferred via Oklahoma to a non-medical prison facility in California, where he is being held pending further relocation. In this process we have lost contact with our client, who has a history of severe mental illness, characterized by acute episodes of distress. Accordingly, we are compelled to request that the Court direct authorities at FCI Victorville Medium II prison to provide Mr. Aswat with legal calls immediately.

On February 28, 2021, we were concerned to learn that Mr. Aswat had been transferred out of FMC Devens, a medical center, and placed in the special housing unit (SHU) at a BOP transfer center in Oklahoma¹, under 24-hour lockdown and in isolation. Given his long-term history of chronic schizophrenia and schizophrenic affective disorder, we were troubled by this sudden relocation. Upon further inquiry, we have been advised that Mr. Aswat was moved from FMC Devens because his treatment is now deemed "complete." That explanation is highly dubious. In light of the lengthy, well-documented history of Mr. Aswat's diagnosed mental illness, his sudden recovery from schizophrenia seems implausible. Suffice it to say that this move appears to violate the assurances made by the United States government to the United Kingdom in order to facilitate the extradition of Mr. Aswat into U. S. custody in October 2014.

¹ We learned this from Mr. Aswat's family. Shortly thereafter, Mr. Aswat called counsel, but the call was cut off after only a few minutes, preventing counsel from acquiring pertinent information, including whether he was receiving any of his medications or treatment.

Honorable Analisa Torres, U.S.D.J.
March 10, 2021

According to the BOP inmate locator, Mr. Aswat is currently housed at FCI Victorville Medium II FCI, a medium security federal correctional institute without a medical center². Upon learning of his location, counsel emailed FCI Victorville on March 6, 2021 requesting a legal call and attaching a copy of this Court's briefing schedule in connection with Mr. Aswat's Motion for Compassionate Release. There has been no response whatsoever to our request. Unsurprisingly, we have not received a phone call from Mr. Aswat because he is most likely in the SHU, and subjected to a 24-hour lockdown, with no ability to call or email his family or legal counsel. With each of these unexplained institutional moves, especially during the COVID pandemic, Mr. Aswat will be housed in SHU cells, under isolation conditions. Without doubt, his condition will deteriorate, as it has done during past episodes of isolation. As we explained in our Motion, Mr. Aswat suffers from a mental illness so severe that solitary confinement, interruptions in his psychiatric care and deprivation of duly-prescribed psychotropic medications have an observable, devastating impact. It is imperative that we be able to speak with Mr. Aswat to adequately update the Court on his current status, and to prepare a response pursuant to the Court's briefing schedule for his pending Motion.

Accordingly, we respectfully ask the Court to Order FCI Victorville Medium II to provide Mr. Aswat with regular access to legal calls, immediately and at least up to and including March 22, 2021.

Respectfully submitted,
/s/


Peter Enrique Quijano
Anna N. Sideris
Megan Wall-Wolff

Cc: Counsel for the government via email and ECF

GRANTED.

SO ORDERED.

Dated: March 11, 2021
New York, New York



ANALISA TORRES
United States District Judge

² We've conferred with AUSA Ian McGinley and the government confirms that Mr. Aswat is housed in FCI Victorville pending another expected transfer. The government has offered to provide details to counsel on why Mr. Aswat was transferred when they learn that information.